

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : D'Antonio et al.
Reissue Application No. : (Not yet available)
Reissue of U.S. Patent No. : 6,056,716
Issue Date : May 2, 2000
Title : HYPODERMIC FLUID DISPENSER
Attorney's Docket : DA9397US.CIP2RE (#90036)

Box Reissue
Assistant Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

Prior to the substantive examination of the above-identified reissue application, please amend the application without prejudice as follows:

In the Specification

Column 1, lines 3-13, please delete in its entirety, from "CROSS-REFERENCE TO RELATED APPLICATION...now, abandoned."

A copy of the page containing column 1, with the deleted material cut out, in accordance with MPEP § 1410 is attached.

REMARKS

The above-identified patent application was filed as a continuation-in-part application because neither the inventors nor the assignee had any idea that this would effect the duration of any patent that issued from the above-identified application. They had continuously believed that it would expire based on the filing date of the application since that is when the subject matter was introduced into the patent application and based upon which the claims in the application find support. The foregoing subject matter was not disclosed in any of the patent applications or patents set forth under the heading "Related U.S. Applications Data".

The assignee very recently learned that the above-identified patent would expire 20 years from the filing of its earliest filed parent application, namely U.S. Application Serial No. 07/059,620 filed on June 8, 1987, even though that patent application did not disclose the subject matter of the claims in U.S. Patent No. 6,056,716. An offer was made to purchase patent rights under U.S. Patent No. 6,056,716, which was far lower than it would have been had the patent had as

its effective filing date October 25, 1996, rather than the June 8, 1987 filing date of U.S. Serial No. 07/059,620.

According to 35 U.S.C. 154(a)(2), about which neither the inventors nor their assignee was aware, the 20 year term of a patent is measured from an earlier-filed priority application if the application resulting in the patent "contains a specific reference" to the earlier filed application "under section 120,121,365(c)". The present patent makes reference to four earlier filed patent applications under 35 U.S.C. 120, although there was no need to make such reference (or to any of the other foregoing applications which were continuation in part applications from which patents have issued). The inventors and their assignee find this deprivation of the term of their patent rights both extremely unfair and costly.

The above-identified application claimed less than the patentee had a right to claim in the patent, by claiming the filing date of an earlier filed patent application and thus decreasing the term of the above identified patent.

It is respectfully requested that this Preliminary Amendment be entered, and that a reissue patent be granted.

The examiner is invited to telephone the undersigned if there are any issues which could be discussed to expedite the prosecution of the present reissue application.

Respectfully submitted,



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DPH/kh

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EXPRESS MAIL CERTIFICATE

Express Mail Label Number EE146639716US

MAILED: January 24, 2002

I hereby certify that the paper(s) identified above, and any noted as being attached, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed: Box Reissue, Assistant Commissioner for Patents, Washington D.C. 20231

January 24, 2002
Date

Christine Kotran
Christine Kotran